



Sick Leave

LP 5.8

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Employees

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I Summary

This policy establishes the guidelines for sick leave pursuant to regulations of the Division of State Human Resources (DSHR) 19-710. Leave taken may qualify as Family Medical Leave Act (FMLA) leave, and, if so, will run concurrently.

II Eligibility

Sick leave shall be earned by and granted to:

- A. Full-time employee in leave-eligible positions, and
- B. Part-time employees in leave-eligible positions who are:
 - 1. Scheduled to work at least one-half the workweek of the agency on a 12-month basis, or
 - 2. Scheduled to work the equivalent of one-half of the workweek during the full school or academic year of nine months or more.

III Sick Leave Earnings

A. Computation

- 1. Employees who are in pay status for at least one-half or more of the workdays of the month shall earn sick leave for the full month. If they are in pay status for less than one-half the workdays, they shall earn no sick leave.
- 2. Employees shall earn sick leave while on sick leave, annual leave, or other authorized leave with pay. Employees shall not earn sick leave while on leave without pay.
- 3. Employees' sick leave earnings are computed based on the number of hours in the employee's workday.

B. Rate of Earnings

- 1. **Five-Day Workweek Schedule of 37.5 or 40 Hours Per Week**
All employees in leave-eligible positions shall earn sick leave beginning with the date of employment at the rate of one and one-quarter workdays per month of service or 15 days per year. To determine the number of hours in a workday, divide the total number of hours an employee is regularly scheduled to work during



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a week by five (regardless of the number of days the employee reported to work).

2. Schedules Other Than a Five-Day Workweek of 37.5 or 40 Hours Per Week

To calculate the sick leave earnings for employees working schedules other than a five-day workweek of 37.5 or 40 hours per week (including part-time, variable, and nonstandard work schedules), the agency must determine what a workday is for each such employee. To determine the number of hours in a workday, divide the total number of hours an employee is regularly scheduled to work during a week by five (regardless of the number of days the employee reported to work).

C. Maximum Accrual and Carryover

1. Full-time and part-time employees in FTE positions will be permitted to earn up to a maximum of 15 sick leave days in a calendar year. They may carry over from one calendar year to the next any unused sick leave up to a maximum of 180 days.
2. Exceptions:
 - a. An employee who changes from being full-time to part-time or from part-time to full-time without a break-in-service will retain the sick leave hours previously earned.
 - b. If this change results in the employee having a maximum sick leave accumulation more than 180 days as of the effective date of the change, the employee will not forfeit the excess. The employee will retain this excess sick leave, which will be the maximum amount the employee may carry over into future years.
 - c. If the employee subsequently reduces the amount of sick leave carried over to 180 workdays or less, 180 workdays will become the maximum amount of unused sick leave the employee may carry over thereafter.

IV Additional Sick Leave May be Granted

- A. The university may advance up to 15 workdays of additional sick leave to an employee in extenuating circumstances.
- B. The university may advance this leave only upon documentation from a health care provider that the employee is expected to return to work within that period.
- C. Upon return to work, the employee will have all earned sick leave applied to the leave deficit at the rate of one and one-quarter days per month (or if part-time, the monthly earning rate) until the deficit has been eliminated.
- D. If an employee separates from employment before satisfying the leave deficit and returns to state employment, the leave deficit will need to be satisfied upon reemployment.

V Using and Scheduling Sick Leave

- A. Leave taken under this Section may qualify as Family and Medical Leave Act (FMLA) leave and, if so, will run concurrently.
- B. Reasons an employee shall be allowed to use sick leave are as follows:



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1. Personal illness or injury that incapacitates the employee to perform duties of the position;
2. Exposure to a contagious disease such that presence on duty could endanger the health of fellow employees;
3. Appointment for medical or dental examination or treatment when such appointment cannot reasonably be scheduled during non-work hours; [Note: if possible, examination appointments must be approved in advance by the supervisor.]
4. Sickness during pregnancy or other temporary disabilities; [Note: If possible, the date on which sick leave for disability is to begin shall be at the request of the employee based on the determination and advice of a health care practitioner.]
5. Treatment for alcoholism; [Note: In accordance with Section 8-11-110 of the South Carolina Code of Laws which recognizes alcoholism as a treatable illness, sick leave will be granted for participating in public and private treatment and rehabilitation programs which have been approved by the South Carolina Department of Mental Health.]
6. Caring for ill members of immediate family; [Note: Employees earning sick leave as provided in Section 19-710 may not use more than 10 days of sick leave annually to care for ill members of their immediate families. For purposes of this section, the employee's "immediate family" means the employee's spouse and children and the following relations to the employee or the spouse of the employee: mother, father, brother, sister, grandparent, legal guardian, and grandchildren.]
7. Caring for an adoptive child; [Note: An adoptive parent may use up to six weeks of his earned sick leave to take time off for purposes of caring for the child after placement. The university shall not penalize an employee for requesting or obtaining time off according to this section. The leave authorized by this section may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.]

C. Verification and Notification

1. The use of sick leave shall be subject to verification. The university designee may, before approving the use of sick leave, require the certificate of a health care practitioner verifying the need for sick leave and giving the inclusive dates.
2. Any illness should be reported to the respective supervisor or department head as soon as possible on the first day of absence.
3. If proper notification is not given, such absence may be charged as annual leave or leave without pay and may be subject to disciplinary action.
4. If an employee is out for three or more days due to his or her own illness or the illness of a qualified family member (as defined by FMLA), he or she may be eligible for FMLA leave. The supervisor and/or employee should contact the Office of Human Resources in these instances to determine eligibility for FMLA and guidelines.

D. Increments for Use of Sick Leave

1. Use of sick leave shall be calculated at either the actual time or in quarter hour increments.

E. Use of Paid Leave Before Going on Leave Without Pay



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1. In qualifying sick leave situations, the employee shall use all sick leave before annual leave may be applied to the extent available and permitted.
 2. If the employee has exhausted all sick leave and then all annual leave, leave without pay will be used to cover the absence.
 3. The President, or designee, may grant an exception at the employee's request to use leave without pay in lieu of paid leave.
- F. Holiday During Sick Leave
1. When a holiday is observed by the university while an employee uses sick leave, the day shall be considered a holiday, not a day of sick leave for the employee.

VI Extended Disability Leave

- A. Under the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act (ADAAA), and other applicable law, certain extended impairments may be protected as disabilities and may require reasonable accommodation. In certain cases, the use of leave may be considered a reasonable accommodation. Determinations regarding reasonable accommodations should be made on a case-by-case basis as dictated by the circumstances.
- B. The agency shall require, prior to approval of leave as a reasonable accommodation, certification by the health care practitioner to a reasonable degree of medical certainty to include at a minimum:
 1. The date on which the disability commenced;
 2. The probable duration of the condition and a probable return date; and
 3. Appropriate medical facts within the knowledge of the health care practitioner regarding the condition and any work limitations.
- C. Dates set forth in the health care practitioner's certificate may be amended.
- D. The university may require additional documentation from the health care practitioner issuing the certificate or may secure additional medical opinions from other health care practitioners.
- E. If an employee's health care practitioner or the employee identifies a disability as long-term, the agency may suggest to the employee to contact the Public Employee Benefit Authority (PEBA) as soon as possible to evaluate eligibility for any appropriate benefits, such as insurance or retirement, if the employee believes it would be appropriate.

VII Transfer of Sick Leave

- A. Between State Entities
An employee who transfers without a break in service from one state entity to another shall transfer his or her earned sick leave. Any transferred sick leave shall be adjusted to the scheduled workweek of the receiving agency. In the case of an employee transferring from an agency under whose system the employee has, prior to January 1, 1969, a maximum accumulation more than that currently authorized by the receiving agency, the total sick leave balance shall be transferred. If the employee subsequently reduces the amount of sick leave



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carried over to 180 workdays or less, 180 workdays shall become the maximum amount of unused sick leave the employee may thereafter carryover.

B. Between a State Entity and School District

An employee of a state entity transferring to a school district of the state or a school district employee transferring to a State entity is permitted to transfer to and retain at his or her new employer all sick leave he earned at his or her former employer regardless of his or her employment status at the new employer.

VIII Separation from Employment

Upon separation from employment, an employee shall forfeit all earned sick leave.

- A. Retirement – An employee who is a Class Two member of the South Carolina Retirement System or the Police Officer Retirement System shall receive service credit for no more than 90 days of his or her unused sick leave at no cost to the employee. The leave must be credited at a rate where 20 days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement.
- B. Reduction in Force Rights – An employee who is reinstated within one year of the date of separation shall have his or her sick leave restored.
- C. Up to Six Month Exception to Break in Service – An employee who has received prior approval for an extension to the 15-day break in service shall have his or her sick leave restored if transferred or appointed to another FTE position within the approved time period.

IX Records and Corrections

- A. The university shall maintain all sick leave records for each employee eligible for sick leave. Such records must include at least the following:
 - 1. The number of sick leave hours earned and used during the current calendar year;
 - 2. The number of sick leave hours carried forward from the previous calendar year, but not exceeding the maximum accrual authorized; and
 - 3. The number of hours in the employee's workweek and workday.
- B. Requests by employees for corrections to their leave records must be made in writing to their manager/supervisor and then to the Office of Human Resources within one month of issue of the leave statement in question.